

REMARKS

Claims 1-20 are pending in the present application. In the Office action, claims 1, 5-11, 15-17, 19, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tolleson (U.S. Pat. No. 5,039,163). Claim 17 stands rejected under U.S.C. § 103(a) as unpatentable over Tolleson in view of Ballarini (U.S. Pat. No. 4,585,272). By this Amendment, the Applicants have amended claims 2, 4-8, 10, 12, 13, and 17-20, and cancelled claims 1, 9, 15, and 16.

The Examiner objected to claims 4, 6, 7, 9, 10, 12, 13, 15, 16, and 18-20 under 35 U.S.C. 112, second paragraph, as being indefinite. The Applicant has amended the above-identified claims to properly set forth antecedent basis for all claim terms and to clarify the claims, and reconsideration in view of the amendments is requested. The Examiner's careful review of the claims is noted with appreciation.

The Examiner indicated that claims 2-4, 12-14, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. See page 5 of the *Office action* dated March 6, 2003. By this response, the Applicant has amended claims 2, 12 and 18 to independent form, in each case incorporating the limitations of the base claim and any intervening claims. The claims have not been narrowed, but rather are rewritten solely for form. 35 U.S.C. § 112, fourth paragraph. In view of the Examiner's indication of allowability, it is thus believed that claims 2, 12 and 18 are in condition for allowance along with dependent claims 3-8, 13 and 14, which depend from claims 2 and 12, respectively.

The remaining claims have been amended in a manner believed to patentably distinguish over the cited prior art.

Independent claim 10, as amended, recites a chair in which the seat pocket and the lower section of the pivot bar are configured to provide a first space between a forwardly facing wall of an upper portion of the seat pocket and an upper portion of the lower section of the pivot bar, and in which the back pocket and the upper section of the

pivot bar are configured so as to provide a second space between a forwardly facing wall of a lower portion of the back pocket and a lower portion of the upper section of the pivot bar. Claim 10 further states that rearward movement of the back to a first pivot position relative to the seat results in flexing of the lower section of the pivot bar to initially close the first space and engage the upper portion of the lower section of the pivot bar with the forwardly facing wall of the upper portion of the seat pocket. In addition, claim 10 states that further rearward pivoting movement of the back to a second pivot position relative to the seat results in subsequent closing of the second space and engagement of the lower portion of the upper section of the pivot bar with the forwardly facing wall of the lower portion of the back pocket and flexing of the upper section of the pivot bar, and that further pivoting movement of the back beyond the second pivot position is resisted by the intermediate area of the pivot bar.

The Examiner cites Tolleson to show a chair having a pivot member between a seat and a backrest. However, the cited reference does not teach or fairly suggest the limitations of amended claim 10.

Tolleson discloses a chair 10 having an upper backrest portion 12 and a seat and lower backrest portion 14 (Col. 3, lines 22-25 and Fig. 1). The chair also includes a spring means 50 having an upper holder 52 and a lower holder 54 connecting the upper 12 and the lower 14 backrest portions (Col. 4, lines 12-21 and Fig. 2). Tolleson discloses a blade spring 56 flush with the forward wall surfaces of the holders 52 and 54, and spaced from the rearward wall surfaces of the holders 52 and 54 (See Fig. 2). The holders 52 and 54 are flush with the forward wall surfaces of the tubular frames of the upper backrest portion 12 and the seat and lower backrest portion 14 (See Fig. 2). Rearward pivoting movement of the backrest portion 12 relative to the seat portion 14 results in engagement of the flanges 70, to restrict rearward movement of the backrest portion 12 (Col. 5, lines 15-49 and Fig. 3).

Tolleson is not seen to show or suggest the subject matter of amended claim 10. In Tolleson, flanges 70 engage to provide a stop against rearward movement of

the backrest. However, Tolleson does not show or suggest spaces between the pivot bar that are sequentially closed to engage surfaces of the back pocket and seat pocket with the pivot bar, as claimed. Further, Tolleson does not show or suggest an intermediate area of the pivot bar that resists rearward pivoting movement after engagement of the pivot bar with the surfaces of the back pocket and seat pocket, as claimed. This structure of the present invention provides progressive, sequential resistance as the back is pivoted rearwardly relative to the seat, and is not shown or suggested by Tolleson.

For the above reasons, amended claim 10 is believed to patentably define over the Tolleson reference. A review of the remaining references of record similarly fails to show or suggest the subject matter of amended claim 10, and accordingly claim 10 is believed to be allowable.

Claim 11 depends from claim 10 as amended, and is believed allowable for the above reasons as well as in view of the subject matter thereof.

Claim 17 has been amended to independent form, and to incorporate the limitations of original claims 15 and 16. Claim 17 states that the pivot member comprises a resilient pivot bar formed of a resilient flexible material for providing pivoting movement of the back relative to the seat, and specifies a limit arrangement associated with the pivot member for limiting a range of pivoting movement of the back relative to the seat independent of the seat and the back. Claim 17 further states that the limit arrangement comprises a limit member engaged with the pivot bar for limiting the range of pivoting movement of the back relative to the seat, and that the limit member comprises a limit strap overlying the pivot bar. The limit strap and the pivot bar are defined as including cooperating engagement structure which is operable to stop movement of the back relative to the seat when the back attains a predetermined pivoting position relative to the seat.

Similar to claim 2 above, claim 17 has not been narrowed, but has been rewritten solely for form. The Examiner is correct to indicate that Tolleson does not teach or suggest a limit member in the form of a limit strap (See page 5, *Office action*). However, the Examiner indicates that claim 17 is obvious over Tolleson in view of Ballarini to one of ordinary skill in the art.

Ballarini discloses a chair 10 that includes a seat 12 connected with an upper backrest 18 by a series of at least three segments 22 (See Abstract and Fig. 3). The seat 12, backrest 18, and at least three segments 22 are articulated into a curved shape by a blade 32 extending transverse to the segments 22 (Col. 4, lines 52-58 and Fig. 3). The bearing surfaces of the upper segment 18 with the bearing surfaces 18a, 22a, 20a, 20b, and 12a limit movement of the blade 32 and backrest 16 (Col. 5, lines 30-46).

Ballarini does not teach or suggest a limit arrangement limiting the range of movement of the back relative to the seat that is independent of the seat and back, as claimed. Rather, Ballarini teaches reliance on the bearing surface 18a of the backrest 18 and the bearing surface of the seat 12a against the segments 22 to limit the inclination of the chair 10 (See Fig. 3), and the segments 22 are an integral part of the back. This is in direct contrast to the language of claim 17 stating that the limit arrangement is independent of the seat and back.

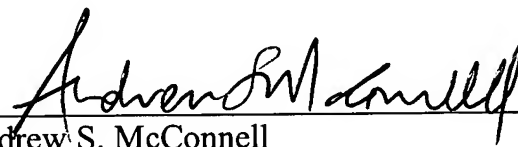
Further, the disclosure of Ballarini is not seen to meet the limitation of claim 17 stating that the limit member comprises a limit strap overlying the pivot bar. In Ballarini, three superimposed segments limit inclination of the chair 10 (See Abstract and Fig. 3). The segments 22 are shown as c-channels of moulded plastic material (Col. 4, lines 4-9 and Fig. 3). Ballarini does not teach or suggest a limit strap overlying a flexible pivot bar to stop movement of the back relative to the seat, as claimed. Accordingly, claim 17 is believed to patentably define over the combination of Tolleson with Ballarini. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and accordingly claim 17 is believed to be allowable.

Claims 19 and 20 depend either directly or indirectly from claim 17 as amended and are, consequently, allowable for the same reasons noted with respect to claim 17 as well as in view of the subject matter of each claim.

The Applicant has made every effort to place the application into condition for allowance with claims 2-8, 10-14 and 17-20, and such action is earnestly requested.

The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response, or if such would otherwise facilitate prosecution.

Respectfully submitted,

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